

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHELTON R. MODELIST,

Plaintiff,

VS.

A.M. SANCHEZ, *et al.*,

Defendants.

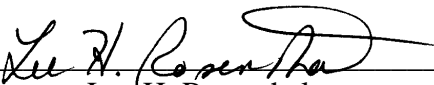
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CIVIL ACTION NO. H-12-3127

ORDER

The plaintiff, Shelton Modelist, filed this civil-rights lawsuit on October 19, 2012 alleging wrongful arrest and imprisonment. (Docket Entry No. 1). At that time, the court's electronic docket did not show that Modelist had paid his initial filing fee or sought permission to proceed *in forma pauperis*. This court dismissed Modelist's suit without prejudice. (Docket Entry No. 2). On December 13, 2012, the clerk's office entered a docket notation stating that Modelist had paid his filing fee on October 19, 2012. Modelist moved to reinstate the case. (Docket Entry No. 3). He also attached a copy of his filing-fee receipt from October 19, 2012 to a memorandum in support of his motion. (Docket Entry No. 4). Based on the motion and supporting memorandum, the exhibit, the court's review of the clerk's docket entry, and the relevant law, the court agrees that the case was dismissed because of a clerical error by the clerk of court. This court grants Modelist's motion. *See* FED. R. CIV. P. 60(a), (b)(1). The order dismissing the case is vacated and the suit is reinstated.

SIGNED on April 4, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge